

Notice of Allowability

Application No.

10/644,381

Examiner

TISHA D. LEWIS

Applicant(s)

PERRY, DANIEL C.

Art Unit

3681

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the application filed on August 20, 2003.
2. ☒ The allowed claim(s) is/are 1-18.
3. ☒ The drawings filed on 20 August 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

The following is a first action on the merits of application serial no. 10/644,381 filed on August 20, 2003.

Information Disclosure Statement

The information disclosure statement filed on December 18, 2003 has been acknowledged.

EXAMINER'S AMENDMENT

The application has been amended as follows:

-In claim 7, line 1, --the-- has been inserted before "first balance".

-In claim 17, line 5, before "drive shaft", "the" has been changed to --a-- to avoid lack of antecedent basis for that limitation in the claim.

Allowable Subject Matter

Claims 1-18 are allowed. The following is an examiner's statement of reasons for allowance: The prior art of record does not disclose or render obvious a motivation to provide for:

-(As to claims 1 and 15) a vehicular drive shaft assembly adapted for being balanced about an axis of rotation having a drive shaft tube with a first and second end, a first tube yoke having a first and second balance pendulum located radially inward of a first outer wall of the first tube yoke which is fixedly mounted to the first end of the shaft tube and a second tube yoke fixedly mounted to the second end of the shaft tube.

-(As to claim 17) a method of balancing a vehicular drive shaft assembly by mounting a first balance pendulum to a first tube yoke, mounting a second balance

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pendulum to the first pendulum, securing the first yoke to a first end of a drive shaft tube wherein the first and second pendulums will be located within, securing a second tube yoke to a second end of the shaft tube, measuring the unbalance of the drive shaft assembly, adjusting the orientation of the first and second pendulum if the assembly is unbalanced and rotationally fixing the first and second pendulums relative to the first yoke.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-Korosue ('304), Saltz ('607), Fetty ('408), Newcomb ('459), and Joglekar et al ('456) are cited as using a pendulum for balancing different elements.

-Barrett et al ('127), Schultenkamper ('948), Schultze ('862), Helgesen et al ('378), Shellaberger ('823), Freidman et al ('932), EP 385176 A1 and JP 2001021003 A are cited as having a drive shaft assembly using a balance method or with yokes or joints using a balance method.

-Detwiler ('186) is cited as having an adjustable balance weight which is threaded onto the end of a rotating component.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to TISHA D. LEWIS whose telephone number is 703-305-0921. The examiner can normally be reached on M-Thur 8 AM TO 3 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CHARLES A. MARMOR can be reached on 703-308-0830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tdl
August 19, 2004


TISHA LEWIS
PRIMARY EXAMINER
Au 3681 8/19/04